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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,204	02/13/2002	Takaaki Namba	2002_0230A	5300

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WASHINGTON, DC 20006-1021

EXAMINER

POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,204

Applicant(s)

NAMBA ET AL.

Examiner

Robert M. Pond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/02; 1/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-32 are rejected under 35 USC 103(a) as being unpatentable over Matsushita (a collection of prior art cited in PTO-892, Items: V and W), in view of Ginter et al. (patent number 5,910,987 hereinafter referred to as "Ginter").**

Matsushita teaches Matsushita Electric and InterTrust Technologies integrating the capabilities of both companies to permit the secure transfer of music packaged in InterTrust's DigiBox Secure Containers to Panasonic's Secure Digital (SD) audio format memory card devices (please note examiner's

interpretation: transferring, downloading, exchanging content). Matsushita teaches the InterTrust-Panasonic technology being showcased at the January 2001 International Consumer Electronics Show in Las Vegas, Nevada. Matsushita teaches InterTrust's peer-to-peer distributed digital rights management technology. Matsushita teaches an end-to-end system for secure digital music distribution services, Panasonic bundling InterTrust's InterRights Point software on CD-ROMs with its e-wear portable audio players (W: see at least pages 1-2). Matsushita further teaches Matsushita Electric and Intel Corporation co-developed software that securely distributes music over the Internet that manages online music distribution from a personal computer and allows the transfer of music to systems with a secure digital memory card (V: see at least pages 1-2).

Matsushita teaches all the above as noted under the 103(a) rejection but does not disclose specific information pertaining to InterTrust's secure content container distribution system. Ginter teaches InterTrust's secure content distribution system using secure content containers (see at least abstract; Fig. 1 (100); Fig. 2 (102, 106, 112, 116); col. 2, line 24 through col. 47, line 62). Ginter further teaches exchanging content between content creators, distribution management computers, and content users requesting content download and making payment. Ginter further teaches:

- content creation; secure content containers: (see at least Fig. 2 (102); Fig. 5A (300); Fig. 5B (300); col. 8, line 16 through col. 12, line 20).

- rights and content container distribution management to direct users or other distribution points: reports and payment (see at least Fig. 2 (106); col. 4, line 17 through col. 6, line 26).
- Rules and control: metering; usage rules (see at least Fig. 2 (110); Fig. 2A (102, 106, 112); col. 22, lines 10-20).
- Receiving content by the user; user terminals: (see at least Fig. 2 (112); col. 7, lines 42-54).
- Transferring content from one user to another user: launchable content (see at least col. 24, lines 25-62).
- Searching content: (see at least col. 37, line 1 through col. 38, line 67).
- Software and medium: software, recordable medium, and devices (see at least col. 3, lines 2-50; col. 6, line 27 through col. 7, line 30).
- Security: encryption and decryption (see at least col. 12, line 21 through col. 13, line 39).

Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Matsushita to implement content creation, secured content distribution, rights management with rules/control, and payment as taught by Ginter, in order to provide secured digital rights management and content delivery, and thereby attract content providers and users to the online service.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

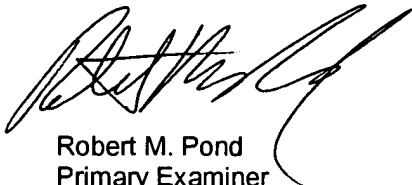
- Fitzpatrick, Eileen; "IBM Unveils Super Distribution Application," Billboard, 03 February 2001, v113n5pg8, Proquest #67467333, 3pgs; teaches super content delivery systems including systems from IBM, InterTrust, and Liquid Audio.
- US 6,385,596 (Wiser et al.) 07 May 2002; teaches Liquid Audio's content creation, rights management, and distribution system, and download to user audio players.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 703-605-4253. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'R. M. Pond', with a stylized flourish extending from the bottom right.

Robert M. Pond
Primary Examiner
February 1, 2005